## REMARKS

In response to the Office Action mailed June 16, 2008, Applicants respectfully request reconsideration. To further the prosecution of this Application, Applicants submit the following remarks, and have added new claims. The claims as now presented are believed to be in allowable condition.

Claims 1-16 were pending in this Application. By this Amendment, claims 17-19 have been added. Accordingly, claims 1-19 are now pending in this Application. Claims 1 and 9 are independent claims.

### Rejections under §102 and §103

Claims 1-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,006,332 (Rabne, et al.) in view of U.S. Patent No. 6,658,571 (O'Brien, et al.), further in view of U.S. Patent No. 6,728,885 (Taylor, et al.).

Applicants respectfully traverse each of these rejections and request reconsideration. The claims are in allowable condition.

Claim 1 recites a dynamic file access control and management system configured to access one or more content sources, including a set of content. The system includes (A) a proxy system linked to said one or more content sources, said proxy system comprising an access control module configured to selectively obtain content comprising data blocks from said content sources on an individual block basis as a function of an authorization of a user requesting said content and a set of access policies comprising a set of predefined usage policies associated with said content for said user, (B) a rights management module configured to generate a set of usage rights associated with said content as a function of the set of predefined usage policies associated with said content for said user, (C) at least one client device having a client module configured to interface to a client operating system kernel, said client module configured to enforce the set of usage rights within the operating system kernel without

application rewrites, wherein enforcing the set of usage rights within the operating system kernel includes (1) intercepting a system call between an application and the client operating system, (2) evaluating the system call based on the set of usage rights, and (3) blocking or modifying the system call based on said evaluation, and (D) one or more communication means, via which said content and said usage rights are provided to said client device.

The cited references do not teach, either alone or in combination, a system, which includes one or more communication means, via which said content and said *usage rights are provided to said client device*. Rather, Rabne discloses a rights management server 10, which sends one or more rights manage compliant browsers 36 to a client workstation 20 (Col. 6, lines 31-48). No mention is made of *communicating usage rights* to a *client device*. Indeed, to the contrary, the enforcement of access control is done at the server-side in Rabne (Col. 7, lines 5-19). The Office Action, on page 8, cited Col. 3, lines 52-59 of Rabne as teaching this feature. However, the cited portion actually teaches that an appropriate rights manage compliant browser 36 is sent by the rights management server 10, but still does not teach the sending of *usage rights*.

Moreover, even if, as suggested by the Office Action on pages 5-6 and 8, Rabne is combined with O'Brien, O'Brien does not supply what is missing from Rabne. Rather, O'Brien discloses security modules 105, which are loaded into the operating system kernel to make and enforce application-specific or resource-specific policy decisions (Col. 3, lines 38-40). However, O'Brien does not even mention *communicating usage rights* to a *client device*. Thus, even a combination of Rabne and O'Brien does not teach *communicating usage rights* to a *client device*.

In addition, the cited references do not teach, either alone or in combination, a system, which includes a proxy system linked to said one or more content sources, said proxy system comprising an access control module configured to *selectively obtain content comprising data blocks* from said content

sources *on an individual block basis* as a function of an authorization of a user requesting said content and a set of access policies comprising a set of predefined usage policies associated with said content for said user. The Office Action, on pages 6 and 7, cites Taylor as teaching this feature in combination with Rabne. However, as noted by the Office Action, Taylor teaches "packets" rather than "blocks." Clearly, this is not a valid comparison. As would be well-known to any person having ordinary skill in the art, a "block" is unit of data storage, while a "packet" is a unit of data transmittal. It would not be obvious to apply a technique designed to apply to a packet of data from a data transmission over a network, such as described in Taylor, to instead apply such a technique to a block of data stored on a storage device. Thus, it would not be obvious to combine the teachings of Rabne and Taylor to teach a system, which includes a proxy system linked to said one or more content sources, said proxy system comprising an access control module configured to *selectively obtain content comprising data blocks* from said content sources *on an individual block basis* as a function of an authorization of a user requesting said content and a set of access policies comprising a set of predefined usage policies associated with said content for said user.

Thus, for the reasons stated above, claim 1 patentably distinguishes over the cited prior art, and the rejection of claim 1 under 35 U.S.C. §103(a) should be withdrawn. Accordingly, claim 1 is in allowable condition.

Because claims 2-8 depend from and further limit claim 1, claims 2-8 are in allowable condition for at least the same reasons. Additionally, it should be understood that the dependent claims recite additional features which further patentably distinguish over the cited prior art.

Claim 9 recites a method having limitations similar to the limitations found in claim 1. Accordingly, claim 9 distinguishes over the prior art for reasons similar to those presented above in connection with claim 1. For the reasons stated above, claim 9 patentably distinguishes over the cited prior art, and the rejection

of claim 9 under 35 U.S.C. §103(a) should be withdrawn. Accordingly, claim 9 is now in allowable condition.

Because claims 10-16 depend from and further limit claim 9, claims 10-16 are in allowable condition for at least the same reasons. Additionally, it should be understood that the dependent claims recite additional features which further patentably distinguish over the cited prior art.

## Newly Added Claims

Claims 17-19 have been added and are believed to be in allowable condition. Claims 17-18 depend from claim 1. Claim 19 depends from claim 9. Support for claims 17 and 19 is provided within the Specification, for example, in paragraphs 0066, 0201, and 0207-0209 (see published version, U.S. Patent Application Publication 2002/0178271). Support for claim 18 is provided within the Specification, for example, in paragraph 0200 and Table 3. No new matter has been added.

## Conclusion

In view of the foregoing remarks, this Application should be in condition for allowance. A Notice to this effect is respectfully requested. If the Examiner believes, after this Amendment, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicants' Representative at the number below.

Applicants hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this Amendment, including an extension fee, please charge any deficiency to Deposit Account No. 50-3661.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-2900, in Westborough, Massachusetts.

Respectfully submitted,

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